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**Atty. Dkt. No. P61750US0**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Albrecht WENDEL et al.

Serial No.: 08/996,768

Examiner: J. Hines

Filed: December 23, 1997

Group Art Unit: 1645

For: TEST PROCEDURE WITH BIOLOGICAL SYSTEM

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**RESPONSE TO NOTICE TO  
FILE MISSING PARTS OF  
APPLICATION UNDER 37 C.F.R. §1.53**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**Attention: APPLICATION BRANCH  
MISSING PARTS OF APPLICATION**

Sir:

With respect to the above-identified patent application, the following are filed herewith in response to the Notice To File Missing Parts of Application under 37 C.F.R. §1.53, mailed June 8, 2001, copy attached.

- ☐ Declaration in compliance with 37 C.F.R. §1.63.
- ☐ Declaration in compliance with 37 C.F.R. §1.63, attached to copy of application as originally filed.
- ☐ Certified copy of  application No. , filed , the priority of which is claimed under 35 U.S.C. §119.
- ☐ An Assignment of the invention to:  together with the \$40 Recordation Fee, is being filed concurrently herewith.
- ☒ Small Entity Declaration under 37 C.F.R. §§1.9 and 1.27 was previously filed.
- ☒ Petition for Extension of Time.
- ☐ Supplemental Information Disclosure Statement.

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	<u>Small Entity</u>	<u>Large Entity</u>	
Basic Filing Fee	\$370	\$740	= \$370.00
Total Claims <u>10</u> - 20 =	\$9 =	\$18	= \$0.00
Indep. Claims <u>2</u> - 3 =	\$42 =	\$ 84	= \$0.00
<u>X</u> Surcharge - Late Filing	\$65	\$130	= \$ 65.00
<u>X</u> Extension Fee under 37 CFR §1.17			= \$200.00

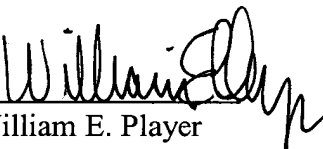
TOTAL FILING FEES \$635.00

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A check in the amount of \$635.00, is enclosed to cover the Filing Fee, Surcharge and Petition for Extension of Time. The Commissioner is hereby authorized to debit or credit any fees set forth in §1.16 or §1.17 to Deposit Account No. 06-1358 as needed in order to effect proper filing of the application. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By   
William E. Player  
Reg. No. 31,409

Date: October 9, 2001

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666

TC 6-13-a  
J 6-13-01



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**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO. 06/085,700	FILING DATE 12/20/97	FIRST NAMED INVENTOR WENDEL	ATTORNEY DOCKET NO. A PE1730080
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JACOBSON PRICE HOLMAN & STEIN  
JENIFER BUILDING  
400 SEVENTH STREET NW  
WASHINGTON DC 20004

HM11/0609



EXAMINER NINES, J
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ART UNIT 1645	PAPER NUMBER
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DATE MAILED:

06/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

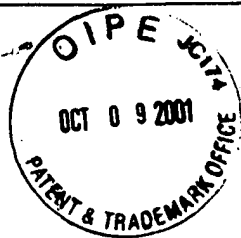
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JACOBSON HOLMAN PLLC		
Response Due On Or Before		
8	8	01
Month	Day	Year



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DATE MAILED:

**NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)**  
**Filing Date Granted**

The Continued Prosecution Application (CPA) request filed on 5-25-01 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.

(a) Applicant must submit \$\_\_\_\_\_ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$\_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ 355<sup>00</sup> to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☐ 2. Additional claim fees of  
\$\_\_\_\_\_ (non-small entity) or \$\_\_\_\_\_ (small entity) for \_\_\_\_\_ independent claims over 3.  
\$\_\_\_\_\_ (non-small entity) or \$\_\_\_\_\_ (small entity) for \_\_\_\_\_ claims over 20.  
\$\_\_\_\_\_ (non-small entity) or \$\_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.  
☐ 5. Other: \_\_\_\_\_

**A copy of this Notice MUST be returned with the reply.**

Direct the reply and any questions about this Notice to:

Linda Humes

Examining Group 1645

(703) 30 8-0196